

Meeting Minutes
South Dakota Council of Juvenile Services
December 9, 2015

Cedar Shore Resort, Oacoma, SD

Wednesday, December 9, 2015 - Missouri Winds Meeting Room, Cedar Shore Resort

Council of Juvenile Services Members Present: Betty Oldenkamp, Chair and CEO of Lutheran Social Services; Mike Leidholt, Vice-Chair and Hughes County Sheriff; Nancy Allard, Director of Trial Court Services; Taniah Apple, Youth Member; Dadra Avery, School Counselor at Sturgis Brown High School; Austin Biers, Youth Member; Keegan Binegar, Youth Member; Renee Gallagher, Youth Member; Doug Herrmann, Director of Juvenile Services; Judge Karen Jeffries, Cheyenne River Sioux Tribe Judge; Judge Steven Jensen, First Judicial Circuit Presiding Judge; Amy Lake-Harmon, Brown County Juvenile Detention Center Administrator; Aaron McGowan, Minnehaha County States Attorney; Sara McGregor-Okroi, Director of Aliive-Roberts County; Vanessa Merhib, Executive Director of Boys & Girls Club of Brookings, Moody, and Yankton Counties; Lyndon Overweg, Mitchell Chief of Public Safety; Carol Twedt, Former Minnehaha County Commissioner; and Virgena Wieseler, Director of Division of Child Protection Services.

Council of Juvenile Services Members Absent: Kim Cournoyer, Service Provider; and Beth O'Toole, Professor at the University of Sioux Falls.

Others Present: Secretary Denny Kaemingk, Bridget Coppersmith, and Heather Van Hunnik, South Dakota Department of Corrections (DOC); Tiffany Wolfgang, South Dakota Department of Social Services; and Rachel Adair, Chaperone of Taniah Apple.

1. WELCOME, INTRODUCTIONS AND AGENDA REVIEW

Vice-Chair Sheriff Mike Leidholt welcomed everyone to the meeting at 10:01 AM on December 9, 2015 and introductions were made. Vice-Chair Leidholt explained that Chair Betty Oldenkamp would be late due to an unexpected matter that required her attention. Bridget Coppersmith noted that the agenda had been rearranged subsequent to the mailing the week prior to have the agenda item of approving or denying Prison Rape Elimination Act (PREA) applications take place while Chair Oldenkamp was absent due her agency having submitted an application. Vice Chair Leidholt added that appointments had been made since the last meeting and that Becca Hill, Judge Jeff Davis, Jacob Kabrud, and Marissa Surrounded were no longer members of the Council and that Taniah Apple, Keegan Binegar, Renee Gallagher, and Judge Steven Jensen are the new members appointed by Governor Dennis Daugaard this year.

2. COUNCIL OF JUVENILE SERVICES (CJS) OVERVIEW

Coppersmith provided an overview of the responsibilities of the Council members, the grants that the Council oversees, and explained how Council members are appointed and how they could potentially be removed. Coppersmith highlighted that the Council is authorized in South Dakota Codified Law to fulfill the responsibilities of the state advisory group as directed by the Juvenile Justice and Delinquency Prevention Act and that the Council reviews juvenile justice policy, advise and advocates on juvenile justice issues, and strives to keep South Dakota in compliance with the Formula Grant Program. Coppersmith also explained that the staff of the Department of Corrections (DOC) provides support to the council and its committees and presents recommendations to the Council based on their work and recourses. Coppersmith noted that DOC staff members are not voting members of the Council.

3. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP) AND THE PRISON RAPE ELIMINATION ACT (PREA)

Coppersmith provided an overview of the Prison Rape Elimination Act (PREA) and explained how it is impacting South Dakota. Coppersmith explained that the National Prison Rape Elimination

Commission published a final draft of standards in 2009 and that the Department of Justice (DOJ) published the final rule in the Federal Register in June 2012 which became effective in August 2012. Coppersmith added that a state whose governor does not certify full compliance with the standards is subject to the loss of five percent of any DOJ grant funds that it would otherwise receive for prison purposes unless the governor elects to submit an assurance that the state will use the five percent only to achieve and certify full compliance with the standards in future years. Coppersmith noted that the Formula Grants Program is subject to this requirement and that Governor Dugaard submitted an assurance that the state would use five percent of DOJ grant funds to support compliance in May. Coppersmith noted that 21 states and territories certified full compliance with the standards, 30 states and territories, including South Dakota, submitted assurances, and five states and territories declined to provide an affirmation or certification or compliance for 2015.

Coppersmith added that to date, audits have been passed at the South Dakota Women's Prison, Mike Durfee State Prison, and STAR Academy. Coppersmith explained that the audit for the South Dakota State Penitentiary is scheduled for April 2016 and is our last required audit of facilities under the operational control of the Governor. If the audit is successful at the South Dakota State Penitentiary, Governor Dugaard should be able to certify that South Dakota is in full compliance with the standards in May 2016.

Approval or Denial of PREA Subgrant Applications - Coppersmith explained that the onetime PREA funding opportunity for subgrants comes out of South Dakota's 2015 Formula Grant Award and is five percent of the portion of the award that a state is allowed to utilize for administration purposes. Coppersmith added that a bonus amount was added from the removal of five percent from five states and territories that lost their five percent reduction rather than utilizing the funds to work toward coming into compliance with PREA. The combination of the five percent reduction and the bonus amount made \$6,491 available for applicants to apply for.

Coppersmith provided an overview of the applications received from Lutheran Social Services (LSS) Summit Oaks I and II in Sioux Falls and Our Home, Inc. at their Adolescent Sexual Adjustment Program (ASAP) location in Huron and their Parkston Residential Facility in Parkston. Coppersmith explained that LSS applied for the funds to be used to install a camera system at Summit Oaks I and II and that Our Home, Inc. applied for audits of their two facilities. Coppersmith added that it is the recommendation of the staff at the DOC to use the Formula Grant PREA funds in the amount of \$6,491 to award a subgrant to Our Home, Inc. and for the Council to support the DOC in using Juvenile Accountability Block Grant (JABG) interest money to award a subgrant to LSS Summit Oaks I and II as the DOC saw value in each application and both funding sources do not contain a match.

Discussion ensued concerning PREA audits, the number of DOC and out of state youth at each facility, the requirement for contract agencies to be in compliance with PREA standards, and the logistics of using the JABG interest money.

Judge Karen Jeffries made a joint motion to approve the Formula PREA dollars in the amount of \$6,491 to fund audits for Our Home, Inc. and to support the Department of Corrections' plan to use JABG interest funds in the amount of \$6,491 to fund the camera system at LSS Summit Oaks I and II, Aaron McGowan seconded. Motion carried unanimously.

4. REVIEW OF CJS BYLAWS

Vice-Chair Leidholt and Coppersmith walked the Council through the CJS Bylaws, which are still in their original state from their adoption by the Council in 2004. Coppersmith explained that if any changes were to be made, they would have to be approved at the next meeting as any changes need to be provided to the Council seven days in advance. Coppersmith stated that the bylaws that were presented to the Council contained staff recommendations for changes to be discussed. Coppersmith explained that the recommended changes center on the fact that the Vice-Chair can no longer be a full time governmental employee per Department of Justice special conditions tied to Formula Grant awards.

Discussion ensued concerning additional changes to be considered at the next meeting to make the document more consistent with language used throughout the bylaws and less restrictive concerning the type of electronic method that may be used to hold a meeting. A consensus was gathered that the recommended changes would be compiled by DOC staff and presented to the Council at least seven days prior to their next meeting.

5. APPROVAL OF SEPTEMBER 2015 MEETING MINUTES

Judge Karen Jeffries moved to approve the September 2015 meeting minutes, Virgena Wieseler seconded. Motion carried unanimously.

6. BUDGET STATUS REPORT

Coppersmith provided an overview of the budget status of the FFY2012 Formula Grant Award. Coppersmith explained that as of November 19, 2015 there was a remaining balance of \$303,138.79 which is expected to be fully expended by the award end date of September 30, 2016. Coppersmith stated that it is too soon to project spending patterns due to starting to spend the award in September 2015 but noted that \$40,000 can be moved internally between program areas which will aid in spending down the award if program areas expend funds in a quicker time frame than budgeted for. Coppersmith added that a detailed breakdown of how the award will be closed out will be available at the next meeting and that staff does not see the need to request another extension request for this award.

7. APPROVAL OF THE SFY2015 ANNUAL REPORT

Coppersmith explained that the content and layout of the SFY2015 Annual Report is complete with the exception of a few data components. Coppersmith stated that Judge Jeffries and Beth O'Toole had also reviewed the report as requested during the September meeting. Coppersmith stated that the complete publication will be done in time for distribution early in the legislative session.

Discussion ensued concerning the benefit of the layout and minor changes to be made to the report prior to printing and distribution.

Aaron McGowan moved to approve the SFY2015 Annual Report with the changes discussed, Nancy Allard seconded. Motion carried unanimously.

8. APPROVAL OF FFY2016 THREE YEAR PLAN: COUNCIL VALUES AND PROBLEM STATEMENTS

Vice-Chair Leidholt and Coppersmith walked through the Council Values and Problem Statements. Vice-Chair Sheriff Leidholt explained that the values and statements have come a long way since they were first developed and have been examined and updated several times in the past years to be consistent with each other and the work of the Council. Coppersmith noted that the problem statements need to be tied to data, listed in a priority order, and linked to the program areas supported by the Council.

Discussion ensued concerning the values and the only recommended amendment removed "and adolescents" from the value "all children and adolescents shall receive developmentally and culturally appropriate services". This amendment was recommended to have all the values be consistent and to remove redundancy.

Judge Karen Jeffries move to approve the Council Values as amended. Doug Herrmann seconded. Motion carried unanimously.

Discussion ensued concerning the problem statements and if the program areas and priority rankings were consistent with the actions being made by the Council.

Judge Karen Jeffries moved approve the Council Problem Statements as presented. Doug Herrmann seconded. Motion Carried Unanimously.

Vice-Chair Leidholt turned the meeting over to Chair Betty Oldenkamp 11:13 AM.

9. ELECTION OFF CJS CHAIR, VICE-CHAIR, AND EXECUTIVE COMMITTEE

Chair Oldenkamp turned the meeting over to Coppersmith to oversee the annual elections. Coppersmith explained that the CJS Chair and Vice-Chair cannot be full time governmental employees and that the elected Chair, Vice-Chair, and Executive Committee Members will start their term following the adjournment of the meeting.

Sheriff Mike Leidholt moved to nominate current Chair Betty Oldenkamp for CJS Chair, Aaron McGowan seconded. Sheriff Mike Leidholt moved to cease nominations for CJS Chair and cast a unanimous ballot for Betty Oldenkamp, Judge Karen Jeffries seconded. Motion carried unanimously.

Carol Twedt moved to nominate Beth O'Toole for CJS Vice-Chair, Judge Karen Jeffries seconded. Judge Karen Jeffries moved to cease nominations for CJS Vice-Chair and cast a unanimous ballot for Beth O'Toole, Vanessa Merhib seconded. Motion carried unanimously.

Coppersmith explained that the Executive Committee is made up of the elected Chair and Vice-Chair and three additional elected members. Coppersmith added that the Executive Committee typically meets telephonically and takes action on topics that need addressing between meetings and that the action needs to be ratified by the entire Council at their next meeting.

Virgena Wieseler moved to nominate Doug Herrmann for the Executive Committee, Carol Twedt seconded.

Sheriff Mike Leidholt moved to nominate Carol Twedt for the Executive Committee, Dadra Avery seconded.

Lyndon Overweg moved to nominate Aaron McGowan for the Executive Committee, Judge Karen Jeffries seconded.

Aaron McGowan moved to nominate Judge Steven Jensen for the Executive Committee, Sheriff Mike Leidholt seconded.

Carol Twedt withdrew herself from the nominees for the Executive Committee.

A unanimous ballot for Doug Herrmann, Aaron McGowan, and Judge Steven Jensen was carried unanimously.

Coppersmith turned the meeting back over to Chair Oldenkamp.

10. JUVENILE JUSTICE UPDATES

Doug Herrmann provided an update concerning STAR Academy in Custer, SD. Herrmann stated that since the September Council meeting, the girls campus in Custer State Park has closed and the girls programs were moved to the main campus due to significantly reduced numbers over the past couple years. Herrmann added that available beds and full time staff equivalents are both to be reduced in SFY2017 and that staff have been informally notified of the decision. Herrmann explained that DOC numbers and staffing needs will continue to be monitored and evaluated as the Juvenile Justice Reinvestment Initiative (JJRI) is implemented.

Dadra Avery explained the Action for the Betterment of the Community (ABC) in Sturgis was selected for the Juvenile Diversion Certificate Program for a week later in December at Georgetown University. Avery explained that Kara Graveman, a law enforcement representative, and herself will be attending.

Vanessa Merhib updated the Council concerning recent referrals to the teen court programs she oversees. Merhib explained that the intensity of the crimes for referrals have increased and include referrals for drug and sex crimes, sexting for example. Merhib explained that dealing with sex crimes leads to having to be more aware of the age of jury members and the content presented to them. Merhib stated that her agency is preparing to make adjustments in finding programming and services the youth may need that are different from what has been available to youth previously in the programs and looking at different funding opportunities as fewer offenses will be drinking related which has been the focus of some of their funding sources.

Virgena Wieseler informed the Council that VOA Group Care facility in Sioux Falls will be closing March 1st. Herrmann added that issues leading to the decision were being licensed for fewer youth and high staff turnover. Wieseler added that the lease is also coming to an end at their current location. Herrmann stated that DOC is currently looking at how to fill the void with alternative placements for youth at the group care facility.

11. TRIBAL YOUTH ADVISORY GROUP DISCUSSION

Chair Oldenkamp explained that at the September Council meeting, the status of the Tribal Advisory Group (TAG) was discussed and it was decided that the topic would remain on the agenda moving forward. Oldenkamp stated that members were asked to look into different groups in the state working with tribal juvenile justice to prevent duplicating efforts and look to see if the Council would be an appropriate partner for those groups. Coppersmith provided a brief overview of the purpose of the Tribal Advisory Group concluding with the deciding factor to reevaluate the Council's involvement which was the dissolving of South Dakota Voices for Children who staffed the group since its inception.

Herrmann stated that under the JJRI, there will be Native American focus group to look at issues impacting Native Americans in the juvenile justices system. Herrmann explained that he and Nancy Allard are members of the Native American focus group which will be coordinated for a year and a half through the Department of Tribal Relations. Herrmann added that the purpose of the group is to develop recommendations to improve outcomes for Native American youth in the juvenile justice system.

Chair Oldenkamp asked that Herrmann continue to update the Council at future meetings along with anyone else who is able to look at other juvenile justice related groups focusing on Native American youth.

12. NEXT MEETING LOCATION AND DATES

Coppersmith explained that calendars were sent in the mailing for each member to have input on which dates they would be able to meet in 2016. Coppersmith stated that the March meeting will be over the Digital Dakota Network (DDN) and is contingent on the Formula Grant Application due date, the June meeting is expected to be two days in Brookings, the September meeting will be two days at the location of a Native American Programs subgrant which will be determined at the June meeting, and that the December meeting will be one day and either in Oacoma or Pierre.

13. JUVENILE JUSTICE REINVESTMENT INITIATIVE (JJRI) PANEL/DISCUSSION

Coppersmith provided an overview of recent Census of Juveniles in Residential Placement Reports which have had South Dakota listed in the top two concerning rate of placement. Coppersmith noted that South Dakota was ranked number one in the country in 2010 and number two in 2013. Coppersmith highlighted that there was 34.6% decrease from 2010 to 2013 in South Dakota's rate due to Juvenile Detention Alternatives Initiative (JDAI) and a simultaneous reduction in DOC commitments. Coppersmith explained that the census rankings helped spark JDAI implementation under the Council and since then, have pointed at the need for statewide reform through JJRI efforts.

Nancy Allard provided an information overview of JJRI implementation as it relates to the Unified Judicial System (UJS). Allard explained that a portion of the bill focused on the preventive benefit of informal diversion and made more opportunities available at the diversion stage. Allard stated that there has been a 20% increase of referrals from states attorneys to court services officers for diversion programs

within the probation department since July 1, 2015. Allard added that also since July 1, 2015, work has been done collaboratively with the Department of Social Services (DSS) and the DOC to identify community based treatment options and that an assessment is being utilized to gather information about juvenile needs in the community.

Allard noted that implementation beginning on January 1, 2016 consists of the optional provision of community response teams (CRT). Allard explained that a presiding judge may appoint a CRT to assist judges by recommending viable community-based interventions for children in need of supervision and delinquent children. Allard noted that Yankton County is currently working to establish a pilot program and that the Lake Andes area has also expressed the desire to establish a CRT as well. Allard explained that another major component of JJRI going into effect on January 1, 2016 is the use of a graduated sanctions response grid and an incentive grid for probationers which will both go before the Supreme Court along with a proposed court rule in January with a February 1st implementation date if approved. Allard concluded with a summary of lengths of probation, the citation process, and the importance of data collection.

Discussion ensued concerning involving families with diversion decisions and the referral process for diversion services.

Doug Herrmann informed the Council of the key impacts of JJRI to the DOC. Herrmann explained that the offenses warranting commitment of a child to the DOC have significantly decreased which will lead to the continued trend of fewer youth being committed to the DOC. Herrmann added that the DOC has a role in treatment team meetings with residential facilities and a juvenile corrections agent (JCA) is to complete monthly reauthorization forms with the goal of achieving release at the earliest possible time and to maximize the child's development and acquisition of skills to be able to successfully transition to living in the community. Herrmann noted that the process for implementing the team meetings and reauthorization forms have been occurring since July to be able to test and perfect the processes prior to the required start date of January 1, 2016. Herrmann explained that the length of stay of juveniles in private facilities is to be decreased through a performance based reimbursement grid which will provide payment to group care and private residential treatment facilities for a youth completing treatment goals within an outlined amount of time. Herrmann added that treatment team members are not to be involved with the incentive process. Herrmann explained that the DOC violator policy has also been amended as to what a youth can be revoked for to be consistent with the parameters allowing for commitment of a youth to the DOC.

Chair Oldenkamp explained that her organization has been very pleased with how well the team meeting and processes have gone and that they can see a benefit to the kids and their families. Herrmann added that DOC commitments from 2000 to 2010 were around 350 to 380 youth and that they have been dropping since 2011 with just over 200 commitments at the moment.

Tiffany Wolfgang, Director of the Division of Behavioral Health under the South Dakota Department of Social Services, reiterated what Allard stated about DSS working collaboratively with UJS and DOC to develop evidence-based community interventions. Wolfgang appreciates the truly collaborative nature between departments as the services DSS has been tasked with developing interventions to address the needs being experienced by the UJS and the DOC. Wolfgang added that additional collaborative projects DSS is implementing with the UJS and the DOC are ensuring services are evidence-based. A quality assurance program is being developed to ensure the integrity of the evidence-based programs that are implemented along with a screening tool for referrals to place youth in the appropriate evidence-based program. Wolfgang explained the key pieces that were targeted with the training tool were mental health followed by substance abuse and the GAIN (Global Appraisal of Individual Needs) Short Screener was the tool selected. Wolfgang highlighted that the GAIN Short Screener can be completed by a nonclinical person and it can be predictive of substance abuse and mental health disorders along with crime and violence tendencies.

Wolfgang stated that Functional Family Therapy (FFT) will be the primary community intervention implemented and that the additional evidence-based interventions of Cognitive Behavioral Intervention for Substance Abuse, Aggression Replacement Training, and Moral Recognition Therapy will also be used especially for cases where FFT is not the best fit for the youth and their situation. Wolfgang added that DSS is also working on a targeted, needs-based referral process based on the data received from the UJS and the DOC from assessments they complete.

Department of Corrections Secretary Denny Kaemingk thanked all the panel members and stressed that Wolfgang and her staff has done the heavy lifting on implementing community services which is imperative for the success of the juvenile initiative and has been very successful with the adult initiative as well.

Discussion ensued concerning how providers for the interventions are selected, where the interventions will be located, if the interventions will be culturally appropriate for all South Dakota youth, the referral process being limited to the UJS and the DOC, diversion referrals, and guidelines for law enforcement officers in dealing with the new citations.

14. WRAP-UP AND ADJOURN

At 1:34 PM, Aaron McGowan moved to adjourn, Lyndon Overweg seconded. Motion carried unanimously.

Recorded by Bridget Coppersmith, Juvenile Justice Specialist